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Patent
Case No.: 57411US002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: LARSON, JAMES M.
Application No.: 10/028173 Group Art Unit: 1745
Filed: December 21, 2001 Examiner: Laura S. Weiner
Title: PRECOMPRESSED GAS DIFFUSION LAYERS FOR ELECTROCHEMICAL CELLS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

To Fax No.: 703-872-9306

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

June 14, 2004
Date

Signed by: Phyllis J. Boettcher

Dear Sir:

This is in response to the Office Action mailed May 12, 2004. Claims 1 - 17 are pending. Claims 1 - 17 were restricted under 35 USC § 121 as follows:

- I. Claims 1 - 5 are said to be drawn to a method of making a gas diffusion layer and a gas diffusion layer made by the method, classified in Class 427, subclass 180; and
- II. Claims 6 - 17 are said to be drawn to a membrane electrode assembly, classified in Class 429, subclass 44.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the Group I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Group I and II claims in different classes and subclasses is not sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the

Application No.: 10/028173

Case No.: 57411US002

part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

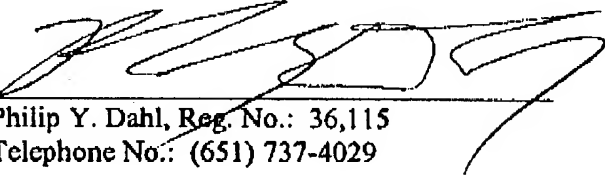
It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

June 14, 2004

Date

By:


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Office of Intellectual Property Counsel
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